

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:  
Jarrod Erwin**

**Debtor**

§  
§  
§  
§

**Case No. 23-31315-H5-13**

**Chapter 13**

**STATEMENT OF ATTORNEY FOR PETITIONER  
PURSUANT TO BANKRUPTCY RULE 2016(b)**

The undersigned, pursuant to Bankruptcy Rule 2016(b), states that:

1. I, David Berg (“Berg”), am an attorney whose office address is 700 Milam, Suite 1300, Pennzoil Place, Houston, Texas 77002. I am a partner in Berg & Androphy and a member of the Southern District of Texas.
2. I have applied to be special litigation counsel in order to advise Debtor about certain matters described in paragraph 6, below.
3. As background, in 2014, Berg & Androphy entered into a prepaid retainer agreement (the “Agreement”) with Roy R. “Randy” Erwin and his sons, Ray and Jarrod, the Debtor in this action (the “Parties”).
4. The scope of the engagement was to represent the Parties, Motorskill Ventures, Inc. and [its] affiliates, in a preindictment matter. My partner, Joel Androphy was lead counsel, but he became disabled in 2022 and died in 2023, before he could fulfill his representation, precipitating my stepping in for him.
5. The Agreement was funded in full in 2015 by a third party, not by the Debtor. For that reason, neither the Firm nor anyone nor any entity on my behalf will receive any further fees for services I render pursuant to the Agreement, nor reimbursement for expenses.

6. I have little experience in bankruptcy cases. However, I am a trial lawyer with the experience and expertise to advise the Debtor and his brother on any matter that could affect the criminal investigation, including developments in this bankruptcy, the Tennessee MDL, which this Court has stayed against Debtor, and an inquiry from the Security & Exchange Commission. I do not intend to make an in-court appearance in the pending bankruptcy.
7. For clarity, Reese Baker remains lead counsel responsible for representing Debtor in this bankruptcy.
8. DATED: February 27, 2024

Respectfully submitted,

  
David Berg  
700 Milam, Suite 1300  
Pennzoil Place  
Houston, Texas 77002  
Phone: 713-529-5622  
Fax: 713-529-3785

Email: dberg@bafirm.com